

## FACSIMILE TRANSMISSION COVER PAGE

**Lawrence Livermore National Laboratory  
Office of Laboratory Counsel/Patent Group****FAX: (925) 423-2231****VERIFY: (925) 422-7273****Mail Address:**

7000 East Avenue

P.O. Box 808, L-703

Livermore, CA 94550

**DATE: April 6, 2005****FROM: Teresa Walls****TELEPHONE NO.: (925) 422-7273****TO: Richard Bueker****FAX: (571)273-1431****REGARDING: SN 09/636,134 IL-9940B****"Apparatus for Depositing a Low Work Function Material"****NUMBER OF PAGES TO FOLLOW: 12**

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Richard,

Please let me know if I need to do anything else.

Thank you,

Alan H. Thompson  
Lawrence Livermore National Laboratory  
Intellectual Property Law Group  
P.O. Box 808, L-703  
Tel: (925) 422-7273  
Fax: (925) 423-2231  
walls4@llnl.gov

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## UNITED STATES PATENT and TRADEMARK OFFICE

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rvk  
Paper Number: 14

In re application of  
Mehdi Balooch et al  
Serial No. 09/636,134  
Filed: August 10, 2000  
For: APPARATUS FOR DEPOSITING A LOW WORK FUNCTION MATERIAL :

IL-9940B

DECISION ON  
PETITION

This is a response to the PETITION TO WITHDRAW ABANDONMENT, filed Jan. 9, 2003. The petition requests that the abandonment, as set forth in the Notice of Abandonment of Jan. 2, 2003, for failure to timely pay the issue fee as indicated in Notice of Allowability and Notice of Allowance and Issue Fee Due mailed August 21, 2002 be withdrawn. The petitioner asserts that the Notice of Allowability and Notice Of Allowance and Issue Fee Due were not received by the applicants.

**DECISION**

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action. See MPEP 711.03(c)(II).

A review of the petitioner's evidence indicates that the request cannot be granted. As set forth in MPEP 711.03(c) II- PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION :

"The showing required to establish the nonreceipt of an Office communication must include a statement from the practitioner stating that Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement. " (emphasis added)

The evidence presented is insufficient to establish that the above noted Notice of Allowability and Notice of Allowance and Issue Fee Due were not received by the petitioner. The evidence provided includes a statement by the petitioner that no Notice

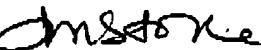
09/636,134

Page: 2

of Allowance has been received, and Applicants' file shows that the last communication received from the PTO was an Office action mailed May 22, 2002. However, the instant petition does not contain a statement attesting that a search of the file jacket and docket records was made, and the result of such search revealed that the Notice of Allowability and Notice of Allowance and Issue Fee Due were not received and it fails to submit a copy of the docket record where the nonreceived Notice of Allowability and Notice of Allowance and Issue Fee Due would have been entered had it been received.

Accordingly, this application stands abandoned.

The Petition is DENIED.



Jacqueline Stone, Director  
Technology Center 1700  
Chemical and Materials Engineering

L E CARNAHAN  
AGENT  
P O BOX 808 L 703  
LIVERMORE, CA 94551

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Mehdi Balooch et al

Attorney  
Docket No.: IL-9940B

Applicant:

Group Art Unit:

Serial No.: 09/636,134

Examiner:

Filed: August 10, 2000

For: Apparatus For Depositing A Low Work Function Material

REC'D JUL 24 2003

**RECEIPT IS HEREBY ACKNOWLEDGED OF THE FOLLOWING:**

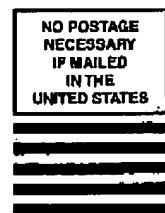
1. Petition to Withdraw Abandonment Under 37 C.F.R. 1.181 (2 pages)
2. Copy of File jacket (1 page)
3. Screen shot of the docketing Database on IL-9940B (1 page)
4. Certificate of Mailing
5. Return Postcard

Express Mail No.: EV268203832US

Attorney: JST/tw

Date Mailed: 7/18/2003

*front*



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| Ibs. oz.  |   |                          |               |
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| Delivery Attempt | Time  | Employee Signature |
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| Delivery Date    | Time  | Employee Signature |
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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mehdi Balooch et al

Docket No.: IL-9940B

Serial No. : 09/636,134

Art Unit: 1700

Filed : 8/10/2000

Examiner: J. Stone

For : Apparatus for Depositing a Low Work Function Material

Commissioner for Patents  
Alexandria, VA 22313-1450CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)I hereby certify that the *attached* correspondence comprising:

1. Petition to Withdraw Abandonment under 37 CFR 1.181 (2 pages)
2. Copy of File Jacket (1 page)
3. Screen shot of the docketing Database on IL-9940B (1 page)
4. Certificate of Mailing
5. Return Postcard

is being deposited with the United States Postal Service as first class mail in  
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Alexandria, VA 22313-1450on 7/8/2005Teresa Walls

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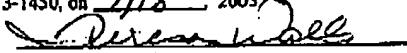
Teresa Walls

(Signature of person mailing paper)

PATENT  
Docket No. IL-9940B

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Teresa Walls

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|              |   |              |           |
|--------------|---|--------------|-----------|
| Applicants : | Mehdi Balooch et al                                   | Docket No. : | IL-9940B  |
| Serial No. : | 09/636,134  | Art Unit :   | 1763      |
| Filed :      | August 10, 2000                                       | Examiner :   | R. Bueker |
| For :        | Apparatus for Depositing a Low Work Function Material |              |           |

PETITION TO WITHDRAW ABANDONMENT UNDER 37 C.F.R. 1.181

Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Sir:

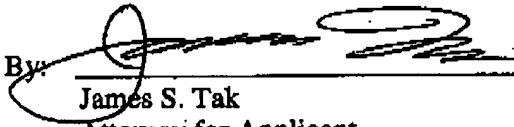
In response to the Notice of Abandonment mailed January 2, 2003, and in view of the Decision on Petition mailed July 7, 2003, kindly consider the following.

**REMARKS**

1. A Notice of Abandonment was mailed January 2, 2003.
2. The reason for abandonment was "Applicants' failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowability.
3. The Notice of Allowability and Notice of Allowance and Issued Fee Due were not received by the Applicants, and thus the Applicants were not aware of an issue fee being due.
4. Applicants' file shows that, prior to receiving the Notice of Abandonment, the last communication received from the PTO was an Office Action mailed May 22, 2002, and an Amendment in response thereto was filed July 31, 2002.
5. Applicants hereby attest to the fact that a search of the file jacket and docket records indicates that the Notice of Allowability and Notice of Allowance and Issue Fee Due were not received.
6. Please find enclosed (1) a copy of the file jacket, and (2) a screen shot of the docketing database where the nonreceived Notice of Allowability and Notice of Allowance and Issue Fee Due would have been entered had those Office communications been received and docketed.
7. It is therefore respectfully requested that the Notice of Abandonment be withdrawn, and that the Notice of Allowability and Notice of Allowance and Issue Fee Due be issued in this application.

Respectfully submitted,

Dated: 7-17-03

By:   
James S. Tak  
Attorney for Applicant  
Registration No. 46,367

Lawrence Livermore National Lab  
7000 East Avenue, L-703  
Livermore, CA 94550  
TEL: (925) 422-7274  
FAX: (925) 423-2231

IL-99408

RL

S. 95,362

EV108175796US  
EV108176584US

OTHER

EL534391131US  
EL373781014US  
EV108175062US

APPLICANTS: Mehdi Balooch, Long N. Dinh, Wigbert J. Siekhaus

TITLE: Apparatus For Depositing A Low Work Function Material

SER. NO.: 09/636134 FILED: 8/10/00 PAT. NO.: ISSUED:

CONTINUATION  DIVISION  C-I-P

S.N.: 09/080,109 FILED: 5/18/98

OTHER RELATED CASES:

WAIVER PETITIONS: REQUESTED BY: GRANTED:

FOREIGN FILINGS:

INT'L. APP. NO.: FILING DATE:

COUNTRIES:

| PROSECUTION:                       | PREPARED BY | RESPONSE DUE    | DATE SUBMITTED |
|------------------------------------|-------------|-----------------|----------------|
| First Office Action 4/2/01 1/18/01 |             | 7/18/01 7/24/00 |                |
| Second Office Action 7/15/01       |             | 10/24/01        | 11/13/01       |
| Third Office Action 2/25/02        |             | 5/25/02         | 4/3/02         |
| Advisory Action (RCE) 4/11/02      |             | 5/26/02         | 5/1/02         |
| First RCE Office Action 5/22/02    |             | 8/22/02         | 9/31/02        |
| Petition to Withdraw Abandonment   |             |                 | 1/9/03         |
| Petition Denied 7/14/03            |             |                 | 7/18/03        |

COMMENTS: Resp to denial

*Old Database* LLNL Patent Group - Patent Tracking

|   |              |         |   |   |                  |
|---|--------------|---------|---|---|------------------|
| IL- 9940  | B            | IL Type | <input type="checkbox"/> Non-Lab Employee | <input type="checkbox"/> Cont. App. DIV | Assignee UC/IP&C |
| AIPA Applies  |              | RL-     | S- 85,362                                 |   | UC-              |
| Attorney  | Carnahan/Tak |         |   | Date Attorney Assigned 2/19/2003        |                  |
| Low Work function Surface Layers by Laser Ablation Using Short-Wavelength Photons |              |         |   |   |                  |
| ROI Title   |              |         |   |   |                  |

|           |  |                    |
|-----------|--|--------------------|
| Inventors | Mehdi Balooch, Long N. Dinh, Wigbert J. Siekhaus | Non-LLNL Inventors |
|-----------|--|--------------------|

**Patent Status** Petition to Withdraw denied(tw). Notice of Abandonment received 1/2/2003-In response to Notice of Abandonment, Petition to Withdraw Abandonment sent 1/9/2003. First RCE Office Action--resp. due 8/22/2002 (am)--response sent 7/31/2002. Advisory Action--resp due 5/25/2002 (ns)--resp. sent (RCE) 5/1/2002. Final Office Action--resp due 5/25/2002 (ns)--Resp. sent 4/3/2002. Second Office Action--resp. due 12/24/2001. Resp. sent 11/13/2001. First Office Action--resp. due 7/3/01. Resp. sent 6/26/2001. Divisional application express mailed 8/10/2000.

**Patent** Apparatus For Depositing A Low Work Function Material

**App. Title**

**Case**

**Combined With**

**Related Cases**

IL Num

9940

**Attorney**  
**Comments**

**Miscellaneous**  
**Information**

**Account Nos.**

**Directorate**

**BandR No.**

**No Interest by IPAC**

**Inactivated by IPAC**

**Inactivated by DOE**

**Abandoned by**

**Date Abandoned**

**Application Requester**

**Rights Granted**

11/26/1996

**Disclosure Submitted**

**Application Authorized**

**Type**

**Application Requester**

Class Waiver

**Rights Requested**

**Requested Directorate**

**Rights Granted**

10/2/1996

**Priority**

11/26/1996

**Confirmatory License**

**Priority**

Application Mailed

10/26/2000

**Priority**

8/10/2000

**Provisional Serial No.**

**Provisional Filing Date**

**Priority**

**Export Control**

**Bar Date 1**

**Bar Date 2**

**Bar Date 3**

**EUVL**

**EUVL Assignee**

**Publication Cite**

**Publication Date**

LLMI Patent Group - Patent Tracking

Restriction Req.   
 First Office Action 1/18/2001  
 Second Office Action 9/24/2001  
 Third Office Action   
 Fourth Office Action   
 Final Office Action 2/25/2002  
 Notice of Appeal Due 5/26/2002  
 Appeal Brief Due

Restriction Req. Sent   
 First OA Sent 6/26/2001  
 Second OA Sent 11/13/2001  
 Third OA Sent   
 Fourth OA Sent   
 Final OA Sent 4/3/2002  
 Notice of Appeal Sent   
 (Check Response Due)  
 Appeal Brief Sent

|   |  |
|---|--|
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| 1st CPA OA <input type="text"/>             | 1st RCE OA 5/22/2002   |
| 2nd CPA OA <input type="text"/>             | 2nd RCE OA <input type="text"/>  |
| Final CPA QA <input type="text"/>           | Final RCE OA <input type="text"/>  |
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| Notice of Allowability <input type="text"/> | Notice of Allowability Sent <input type="text"/>                         |
| Response Due <input type="text"/>           | Multiple Due Dates <input type="checkbox"/> FOA NOA <input type="text"/> |

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| Seven Yr Fee Due <input type="text"/>                                 | Seven Yr Fee Paid <input type="text"/>  | Seven Year Amount <input type="text"/>     |
| Eleven Yr Fee Due <input type="text"/>                                | Eleven Yr Fee Paid <input type="text"/> | Eleven Year Amount <input type="text"/>    |
| Small Entity <input type="checkbox"/> Yes <input type="checkbox"/> No |   |  |

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Abstract 

7/10/2000

Patent Application U.S. Patent

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